

[9]

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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TRACEY CANSLER,

Plaintiff,

v.

INDYMAC BANK, and ONE WEST  
BANK FSB

Defendants.

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Civil Action No. 13-4655  
(FLW) (DEA)

**ORDER**

**THIS MATTER** having been opened to the Court *sua sponte* by a Report and Recommendation to dismiss the Complaint without prejudice, issued by the Magistrate Judge based on the failure of *pro se* Plaintiff Tracey Cansler (“Plaintiff”) to prosecute her case; it appearing that Plaintiff’s Complaint asserts claims against Defendants Indymac Bank and One West Bank, FSB (“Defendants”) arising out of mortgage-related proceedings; it appearing further that Plaintiff is proceeding *in forma pauperis* in this action; it appearing that on February 20, 2014, the Magistrate Judge issued his Report and Recommendation, recommending that Plaintiff’s Complaint be dismissed without prejudice for failure to file a proof of service as to Defendants; it appearing that in opposing the Magistrate Judge’s Report and Recommendation, Plaintiff stated that she was initially confused as to who should be the proper named defendant in this action, but that, since the filing of the Report and Recommendation, she has learned that the mortgage upon which she bases her claims has been assigned to “Ocwen Loan Servicing, LLC,” and for that reason, Plaintiff opposes the dismissal of her Complaint; it appearing that, notwithstanding Plaintiff’s *pro se* status, her opposition cannot be construed as providing good

cause for why Defendants have not been served; for these foregoing reasons, and for good cause shown;

**IT IS** on this 30th day of April, 2014

**ORDERED** that the Magistrate Judge's Report and Recommendation [9] is hereby adopted, and Plaintiff's Complaint dismissed without prejudice; however, Plaintiff may file a new Complaint, in a new action, if she believes she has found a proper defendant.

/s/ Freda L. Wolfson  
Honorable Freda L. Wolfson  
United States District Judge